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PATENT



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re

Appn. of: Sean A. McCarthy et al.

Group Art

Unit: 1646

Serial No.: 09/766,511

Conf. No.: 9759

Filed: 19 January 2001

Examiner: Dong Jiang

For: "Novel Genes Encoding Proteins  
Having Prognostic, Diagnostic,  
Preventive, Therapeutic, and Other  
Uses"Atty Docket  
No.:

MPI-00022

FEB 06 2003

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

This paper is filed in response to the Restriction Requirement mailed on 30 September, 2002 (Paper No. 13), and is timely filed in view of the enclosed Petition for a Three-Month Extension of time, which extends the period available for response through and including 30 January 2002.

In the Restriction Requirement, the Examiner identified nine Groups of claims (designated Groups I-IX), and requires election of a single Group for prosecution on the merits. The Applicants elect the claims of **Group I** (i.e., claims 1-7, 12, and 26-34) for prosecution on the merits, without traverse.

In item 2 of the Restriction Requirement, the Examiner also identified numerous nucleic acid and amino acid sequences, and requires election of a single nucleic acid sequence and a single amino acid sequence for prosecution on the merits. The Applicants elect nucleic acid sequence **SEQ ID NO: 51** and amino acid sequence **SEQ ID NO: 53**, each without traverse. The Applicants note that SEQ ID NO: 51 is a cDNA sequence that includes SEQ ID NO: 52 in its entirety and request that the Examiner consider the claims with respect to the nucleic acid sequences of both SEQ ID NOs: 51 and 52. Each of SEQ ID NOs: 51-53 corresponds to a deposit made with ATCC, but the corresponding accession number is not yet known.

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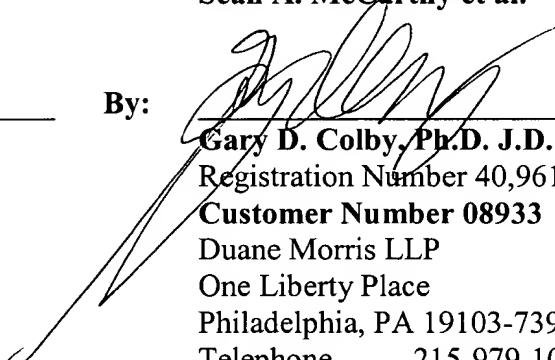
An early and favorable office action on the merits is respectfully requested at the earliest possible time.

Respectfully submitted,

Sean A. McCarthy et al.

30 January 2003  
Date

By:

  
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